S.B.Cr.Misc. 3rd Bail Application No.5233/2006

(Yusuf vs. State of Rajasthan)

Date of order : December 01, 2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

This is third bail application. Earlier two bail applications came to be dismissed by this Court as they were not pressed by the counsel appearing for the petitioner. However, learned counsel for the petitioner submits that co-accused Bhuriya alias Jahagir has been granted bail by a Co-ordinate Bench of this Court by order dt. 11.8.2006 passed in S.B.Cr.Misc. Bail Application No.3501/2006 and the case of the present petitioner is on better footing than that of co-accused Bhuriya alias Jahagir. It appears that the contraband brown sugar was seized by the police. Two persons were arrested and on being asked, they disclosed their names as Jagdish alias Bhaya and Bulbul alias Aslam. The other persons, who alleged to flee away from the place of occurrence, were Shergul, Adil and Dayal. Co-accused Bhuriya alias Jahagir has been implicated as his mobile phone

was found at the place of occurrence, which was seized by the police. The petitioner is said to have been implicated in the statement of co-accused that he was also one of the persons. Be that as it may, since co-accused Bhuriya alias Jahagir has been granted bail and the case of the petitioner is on better footing than that of co-accused, having regard to the facts and circumstances of the case I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Yusuf s/o Ismile be released on bail in FIR No.503/2004, P.S. Pratapgarh provided he furnishes a personal bond in a sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-